

**REMARKS**

**Objections to the abstract**

Applicant has been reminded that the abstract should be in narrative form and generally limited to the range of 50-150 words. Applicant submits an amended abstract complying with the above requirements.

**Rejection under 35 U.S.C §102**

Claims 1-18, 20, 24-30, 32, 36-42, 44, 48-60, 62-65, 67-70 and 72-84 stand rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,477,353 to Honda et al.

Applicant notes that '353 to Honda is the U.S. counterpart of EP-A-0,948,222 to Honda, disclosed as prior art in the present application, in particular on page 1, line 24 to page 2 line 32, and in relation with figure 1 of the application. Honda discloses a method for limited dissemination of information, wherein a data item originating at a known location is diffused between short-range communication entities having known locations (GPS or PHS determined, column 6, line 19-22) until a predetermined threshold is reached. Honda differs from the invention as claimed, wherein a data item originating at a known location is diffused between short-range communication entities having unknown locations (no GPS or HPS device in the entities of the invention) and wherein a distance evaluation in the data item allows evaluating the position of the communication entities. In particular, as will be explained below, Honda provides for transmitting information that cannot be deemed to disclose or suggest the transmitted data items recited in the claims.

**Rejection of claim 1**

In page 3 of the Office Action, the Examiner refers to the "position information" of column 2, lines 62-67 of Honda as a "location data item" as recited in claim 1. Applicant respectfully disagrees. Claim 1 has been clarified and now defines a location data item as "including a distance quantity indicative of an upper bound value for the distance travelled by the location data item". Honda discloses, column 2, lines 66-67,

*"calculating a distance from the information origin using the position information"*. Honda therefore makes plain that the position information does not include the distance from the information origin. Honda also makes plain, column 2, lines 62-67 to column 3, lines 1-4, that no distance quantity is "passed" or "diffused" between entities, since the distance quantities are calculated in the mobile transceivers so as to determine if the received information is to be transferred or not.

In page 3 of the Office Action, the Examiner also asserts that Honda discloses that the entities "take account of perceived travel" of the location data items they handle. Applicant respectfully disagrees, since Honda only discloses calculating exact travel, as clearly implicated by the fact that Honda only discloses calculating distances between two known positions (for example, column 7, lines 54-60, Honda discloses that "using the position information of the transmission source in each frame and the position information from the position detector 25, the distances from the mobile stations or the base stations which have sent out the frame are calculated"). Honda does nowhere disclose or suggest updating distances "indicative of an upper bound value for the distance travelled" as recited in claim 1 and described in the specification in relation with figures 3-9.

Applicant submits that claim 1 is patentable over Honda. Should the Examiner disagree, Applicant respectfully requests him to clearly and specifically point out where Honda discloses the above features in accordance with 37 C.F.R. 1.104(c)2.

#### Rejection of claim 48

In page 10 of the Office Action, the Examiner refers to the "position information" of column 2, lines 62-67 of Honda as a "location data item" as recited in claim 48. Applicant respectfully disagrees. Claim 48 has been clarified and now recites that a location data item "includes a distance quantity indicative of an upper bound distance to that location" (the originating location). Honda discloses, column 2, lines 66-67, *"calculating a distance from the information origin using the position information"*. Honda therefore makes plain that the position information does not include the distance from the information origin. Honda also makes plain, column 2, lines 62-67 to column 3, lines 1-4, that no distance quantity is "exchanged" between entities, since the distance

quantities are calculated in the mobile transceivers so as to determine if the received information is to be transferred or not.

In page 11 of the Office Action, the Examiner also asserts that Honda discloses that the entities "take account of perceived travel of the location data items". Applicant respectfully disagrees, since Honda only discloses calculating exact travel, as clearly implicated by the fact that Honda only discloses calculating distances between two known positions, as seen above. Honda does nowhere disclose or suggest updating distances "indicative of an upper bound distance to that location" (the originating location) as recited in claim 48 and described in the specification in relation with figures 3-9. Applicant submits that claim 48 is patentable over Honda.

#### Rejection of claim 72

In page 16 of the Office Action, the Examiner refers to the "position information" of column 2, lines 62-67 of Honda as a "location data item" as recited in claim 72. Applicant respectfully disagrees. Claim 72 has been clarified and now defines a location data item as "specifying a known location and including a distance quantity indicative of an upper bound distance to that location". Honda discloses, column 2, lines 66-67, "calculating a distance from the information origin using the position information". Honda therefore makes plain that the position information does not include the distance from the information origin. Honda also makes plain, column 2, lines 62-67 to column 3, lines 1-4, that no distance quantity is received "from currently nearby transmitting entities", since the distance quantities are calculated in the mobile transceivers so as to determine if the received information is to be transferred or not.

In page 16 of the Office Action, the Examiner also asserts that Honda discloses "a distance system for measuring or estimating the distance traveled by the mobile entity" of the location data items they handle. Applicant respectfully disagrees, since Honda only discloses calculating exact distances, as clearly implicated by the fact that Honda only discloses calculating distances between two known positions, as seen before. Honda does nowhere disclose or suggest "measuring or estimating the distance traveled by the mobile entity" with a distance sub-system as recited in claim 72, such as

odometer 25 described in the specification in relation with figure 2. Applicant submits that claim 72 is patentable over Honda.

Rejection of claim 73

In page 17 of the Office Action, the Examiner refers to the "position information" of column 2, lines 62-67 of Honda as a "location data item" as recited in claim 73. Applicant respectfully disagrees. Claim 73 has been clarified and now defines a location data item as "specifying a known location and including a distance quantity indicative of an upper bound distance to that location". Honda discloses, column 2, lines 66-67, "calculating a distance from the information origin using the position information". Honda therefore makes plain that the position information does not include the distance from the information origin. Honda also makes plain, column 2, lines 62-67 to column 3, lines 1-4, that no distance quantity is received "from currently nearby transmitting entities", since the distance quantities are calculated in the mobile transceivers so as to determine if the received information is to be transferred or not.

In page 17 of the Office Action, the Examiner also asserts that Honda discloses "increasing the upper bound distance associated with each data item by an amount related to the transmission range of the transmitting entity". Applicant respectfully disagrees, since Honda only discloses calculating exact distances, as clearly implicated by the fact that Honda only discloses calculating distances between two known positions. Honda does nowhere disclose or suggest increasing distances by a given amount, and specifically "by an amount related to the transmission range of the transmitting entity" as recited in claim 73 and described in the specification in relation with figure 5. Applicant submits that claim 73 is patentable over Honda.

Rejection of claim 74

In page 18 of the Office Action, the Examiner refers to the "position information" of column 2, lines 62-67 of Honda as a "location data item" as recited in claim 74. Applicant respectfully disagrees. Claim 74 has been clarified and now defines a location data item as "specifying a location and including a distance quantity indicative of a maximum distance of the entity from the specified location". Honda discloses, column

2, lines 66-67, "calculating a distance from the information origin using the position information". Honda therefore makes plain that the position information does not include the distance from the information origin. Honda also makes plain, column 2, lines 62-67 to column 3, lines 1-4, that no distance quantity is "passed to, and diffused between, mobile entities", since the distance quantities are calculated in the mobile transceivers so as to determine if the received information is to be transferred or not.

In page 19 of the Office Action, the Examiner also asserts that Honda discloses "increasing the maximum distance indicated by the location data item to take account of movement of the mobile entity". Applicant respectfully disagrees, since Honda only discloses calculating exact distances, as clearly implicated by the fact that Honda only discloses calculating distances between two known positions. Honda does nowhere disclose or suggest increasing distances, or more specifically increasing distances "to take account of movement of the mobile entity" as recited in claim 74 and described in the specification in relation with figure 5. Applicant submits that claim 74 is patentable over Honda.

#### Rejection of claim 75

In page 19 of the Office Action, the Examiner refers to the "position information" of column 2, lines 62-67 of Honda as a "location data item" as recited in claim 74. Applicant respectfully disagrees. Claim 75 has been clarified and now defines a location data item as "specifying a location and including a distance quantity indicative of a maximum distance to that location". Honda discloses, column 2, lines 66-67, "calculating a distance from the information origin using the position information". Honda therefore makes plain that the position information does not include the distance from the information origin. Honda also makes plain, column 2, lines 62-67 to column 3, lines 1-4, that no distance quantity is received "from currently nearby transmitting entities", since the distance quantities are calculated in the mobile transceivers so as to determine if the received information is to be transferred or not.

In page 20 of the Office Action, the Examiner also asserts that Honda discloses "increasing the maximum distance associated with each data item". Applicant respectfully disagrees, since Honda only discloses calculating exact distances, as clearly

implicated by the fact that Honda only discloses calculating distances between two known positions. Honda does nowhere disclose or suggest calculating or, more specifically, increasing "maximum distances associated with each data item" as recited in claim 75 and described in the specification, for example in relation with figures 10,11. Applicant submits that claim 75 is patentable over Honda.

#### Rejection of claim 83

In page 22 of the Office Action, the Examiner refers to the "position information" of column 2, lines 62-67 of Honda as a "location data item" as recited in claim 83. Applicant respectfully disagrees. Claim 83 has been clarified and now defines a location data item as "specifying a location and including a distance quantity indicative of a maximum distance to that location". Honda discloses, column 2, lines 66-67, "calculating a distance from the information origin using the position information". Honda therefore makes plain that the position information does not include the distance from the information origin. Honda also makes plain, column 2, lines 62-67 to column 3, lines 1-4, that no distance quantity is received "from currently nearby transmitting entities", since the distance quantities are calculated in the mobile transceivers so as to determine if the received information is to be transferred or not.

In page 22 of the Office Action, the Examiner also asserts that Honda discloses "a distance sub-system for measuring or estimating the distance traveled by the mobile entity". Applicant respectfully disagrees, since Honda only discloses calculating exact distances, as clearly implicated by the fact that Honda only discloses calculating distances between two known positions. Honda does nowhere disclose or suggest "measuring or estimating the distance traveled by the mobile entity" with a distance sub-system as recited in claim 83, such as odometer 25 described in the specification in relation with figure 2. The Applicant submits that claim 83 is patentable over Honda.

#### Rejection of claim 84

In page 24 of the Office Action, the Examiner refers to the "position information" of column 2, lines 62-67 of Honda as a "location data item" as recited in claim 84. Applicant respectfully disagrees. Claim 84 has been clarified and now defines a location

data item as "including a first component specifying a location and a second component indicative of the distance from the location specified by the first component". Honda discloses, column 2, lines 66-67, "calculating a distance from the information origin using the position information". Honda therefore makes plain that the position information does not include the distance from the information origin. Honda also makes plain, column 2, lines 62-67 to column 3, lines 1-4, that no distance quantity is "passed between devices", since the distance quantities are calculated in the mobile transceivers so as to determine if the received information is to be transferred or not.

In page 24 of the Office Action, the Examiner also asserts that Honda discloses increasing the distance component of the location data "by an amount related to the transmission range of the transmitting device". Applicant respectfully disagrees, since Honda only discloses calculating exact distances, as clearly implicated by the fact that Honda only discloses calculating distances between two known positions. Honda does nowhere disclose or suggest increasing distances by any amount, or more specifically "by an amount related to the transmission range of the transmitting device" as recited in claim 84 and described in the specification, for example in relation with figure 5. Applicant submits that claim 84 is patentable over Honda.

#### Rejection of dependent claims

Claims 2-18, 20, 24-30, 32, 36-42 and 44 depend directly or indirectly on claim 1; claims 49-60 depend directly or indirectly on claim 48 and claims 76-82 depend directly or indirectly on claim 75. At least for the above reasons, claims 2-18, 20, 24-30, 32, 36-42, 44, 49-60, and 76-82 are patentable over Honda.

#### Rejection under 35 U.S.C §103

Claims 19, 31 and 43 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Honda in view of U.S. Pat. No. 6,327,533 to Chou. Applicant respectfully disagrees.

Chou discloses a method for tracking moveable objects using "position data" and "inertial data" (see claim 1), the inertial data comprising "data representative of the speed of said object" (see claim 3), "data representative of the directional movement of

said object" (see claim 4), "coordinates representing the location of said object" (see claim 6) or "a time and date of the geographical location of said object" (see claim 7). None of the above data discloses or suggests a data item "including a distance quantity indicative of an upper bound value for the distance travelled by the location data item", as recited in claim 1.

Chou also discloses a device for tracking moveable objects using "location data" and "inertial data" (see claim 8), the inertial data comprising "data representative of the speed of said object" (see claim 10), "data representative of the directional movement of said object" (see claim 11), "coordinates representing the location of said object" (see claim 13) or "a time and date of the geographical location of said object" (see claim 14). None of the above data discloses or suggests a data item "including a distance quantity indicative of an upper bound value for the distance travelled by the location data item", as recited in claim 1.

In view of the above, no combination of Honda and Chou would have led to a method using a data item "including a distance quantity indicative of an upper bound value for the distance travelled by the location data item", as recited in claim 1. Claim 1 is therefore patentable over Honda in view of Chou. Claims 19, 31 and 43 depend indirectly from claim 1. At least for the above reason, claims 19, 31 and 43 are patentable over Honda in view of Chou.

Claims 21-23, 33-35, 45-47 and 61 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Honda in view of U.S. Pat. No. 6,167,276 to Pite. Applicant respectfully disagrees.

Pite discloses a method for the localizing of a mobile telephone comprising sending "a first piece of information h1 of an absolute date", a "response signal" "a piece of information on propagation  $\tau_1$ ", a "second piece of information and third piece of information h2 and h3 on absolute date" (see claim 1), sending a "computed position" (see claim 3), and a "fourth piece of information h4 on absolute date" (see claim 12). According to claim 11, the "response signal" of claim 1 may comprise a "sequence known to the first base transceiver station".



None of the above information sent in Pite comprises a data item "including a distance quantity indicative of an upper bound value for the distance travelled by the location data item", as recited in claim 1 or a data item that "includes a distance quantity indicative of an upper bound distance to [the originating] location" as recited in claim 48.

In view of the above, no combination of Honda and Pite would have led to a method using a data item as recited in claim 1 or in claim 48. Claims 1 and 48 are therefore patentable over Honda in view of Pite.

Claims 21-23, 33-35, 45-47 depend indirectly from claim 1 and claim 61 depend indirectly from claim 48. At least for the above reason, claims 21-23, 33-35, 45-47 and 61 are patentable over Honda in view of Chou.

#### New claims

Newly added independent claim 85 and newly added claims 86, 87, 88, 89, 90, 91, 92 and 93 Claim 85 are supported by the specification, in particular figure 2 and the corresponding portion of the specification. No new matter has been added.

Newly added independent claim 85 recites all the limitations of claims 1. At least for the above reason, claim 85 is patentable.

Newly added claims 86, 87, 88, 89, 90, 91, 92 and 93 depend directly on patentable claims 1, 48, 72, 73, 74, 75, 83 and 84. At least for the above reason, claims 86, 87, 88, 89, 90, 91, 92 and 93 are patentable.

\* \* \*

Regarding the prior art made of record by the Examiner but not relied upon, the Applicant believes that this art does not render the pending claims unpatentable.

In view of the above, Applicant submit that the application is now in condition for allowance and respectfully urge the Examiner to pass this case to issue.

None of the above information sent in Pite comprises a data item "including a distance quantity indicative of an upper bound value for the distance travelled by the location data item", as recited in claim 1 or a data item that "includes a distance quantity indicative of an upper bound distance to [the originating] location" as recited in claim 48.

In view of the above, no combination of Honda and Pite would have led to a method using a data item as recited in claim 1 or in claim 48. Claims 1 and 48 are therefore patentable over Honda in view of Pite.

Claims 21-23, 33-35, 45-47 depend indirectly from claim 1 and claim 61 depend indirectly from claim 48. At least for the above reason, claims 21-23, 33-35, 45-47 and 61 are patentable over Honda in view of Chou.

New claims

Newly added independent claim 85 recites all the limitations of claims 1. At least for the above reason, claim 85 is patentable.

Newly added claims 86, 87, 88, 89, 90, 91, 92 and 93 depend directly on patentable claims 1, 48, 72, 73, 74, 75, 83 and 84. At least for the above reason, claims 86, 87, 88, 89, 90, 91, 92 and 93 are patentable.

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Regarding the prior art made of record by the Examiner but not relied upon, the Applicant believes that this art does not render the pending claims unpatentable.

In view of the above, Applicant submit that the application is now in condition for allowance and respectfully urge the Examiner to pass this case to issue.

The Commissioner is authorized to charge any additional fees that may be required or credit overpayment to deposit account no. 08-2025. In particular, if this response is not timely filed, the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136(a) requesting an extension of time of the number of months necessary to make this response timely filed and the petition fee due in connection therewith may be charged to deposit account no. 08-2025.

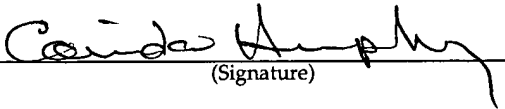
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(Date of Transmission)

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Respectfully submitted,



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